

**MTSA Regulations found at 33 CFR Subchapter H**  
**Part 104 Vessels.**

**#19-04 CH-1 MARCH 18, 2004---POLICY ADVISORY COUNCIL FAQ**

Q. Will the Coast Guard require foreign-flagged vessels (other than Canadian) traveling between the United States and Canada to comply with MTSA?

Ans. These vessels are not subject to SOLAS, and 33 CFR 104.115(c)(2) state that “vessels not subject to SOLAS Chapter XI, may comply with 33 CFR Part 104 through an Alternate Security Program or a bilateral arrangement approved by the Coast Guard. If not complying with an approved Alternate Security Program or bilateral arrangement, these vessels must meet the requirements of paragraph (b) of this section.” 33 CFR 104.115(b) requires that vessel owners or operators must submit plans to the Marine Safety Center. Therefore, non-US or non-Canadian vessels traveling between the United States and Canada would need to comply with 33 CFR Part 104.

An Alternative Security Agreement is not an option since, in order to enter into such an agreement, the vessel routes would need to be fixed between the ports of the Contracting Governments. This is clearly not the case for foreign vessels (other than Canadian) traveling between Canada and the United States.

NOTE For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).